

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
NOV - 7 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00055-001

DATE: November 7, 2005

HON. ROBERT CLIVE JONES, Designated Judge
Court Reporter: Wanda Miles
Hearing Electronically Recorded: 9:22:35 - 9:32:04

Law Clerk: NONE PRESENT
Courtroom Deputy: Leilani Toves Hernandez
CSO: D. Quinata

***** APPEARANCES *****

DEFT: BENNY LAW BOON LENG

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY : JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: KARON JOHNSON

AGENT:

U.S. PROBATION: JUDY OCAMPO

U.S. MARSHAL: G. PEREZ

INTERPRETER: CHUNG HARRELL

LANGUAGE: MANDARIN

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 8

Total offense level: 6

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Parties agreed to the disposition of the case and asked that the Court follow their recommendation and render a sentence of time served.

(X) DEFENDANT ADDRESSED THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Advised the Court that the defendant will be taken into I.N.S. custody because he is not a U.S. Citizen.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED .

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS .

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISION RECOMMENDED BY THE SENTENCING COMMISSION.
2. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.
3. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
4. DEFENDANT SHALL COOPERATE IN THE COLLECTION OF DNA AS DIRECTED BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES. REVOCATION OF SUPERVISION IS MANDATORY FOR POSSESSION OF ILLEGAL CONTROLLED SUBSTANCE.
6. DEFENDANT SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND TO TWO MORE URINALYSIS THEREAFTER. REVOCATION IS MANDATORY FOR REFUSAL TO COMPLY.

SPECIAL CONDITIONS:

1. DEFENDANT SHALL NOT POSSESS, HAVE UNDER HIS CONTROL, OR HAVE ACCESS TO ANY FIREARM, EXPLOSIVE DEVICE, OR OTHER DANGEROUS WEAPON, AS DEFINED BY FEDERAL, STATE, OR LOCAL LAW.
2. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS. IF ORDERED DEPORTED, DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NO RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL. IF NOT ORDERED DEPORTED, AND THE DEFENDANT IS RELEASED PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.

THE COURT WAIVED ALL FINES. DEFENDANT WAS ORDERED TO IMMEDIATELY PAY A SPECIAL ASSESSMENT FEE OF \$200.00.

THE PROBATION OFFICER WAS INSTRUCTED TO PROVIDE THE DEFENDANT WITH A COPY OF HIS SUPERVISED RELEASE CONDITIONS AND THE DEFENDANT MUST ACKNOWLEDGE RECEIPT OF THE CONDITIONS.

DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

DEFENDANT WAS REMANDED TO THE CUSTODY OF THE U.S. MARSHALS SERVICE.

Courtroom Deputy: 